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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,421	09/30/2003	Fang-Hao Kuo	11096-US-PA	2420

31561 7590 10/27/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,421

Applicant(s)

KUO, FANG-HAO

Examiner

Regina Liang

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to reply filed on 9/25/06. Claims 1-5 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (Fig. 1, sections [0005]-[0007]) in view of Huang (US 2003/0177345).

As to claim 1, Fig. 1 admitted as prior art discloses processing a KBC having a BIOS flash utility (102), a KBC flash utility (104), and a BIOS and KCB data (106).

The admitted prior art does not update the KBC during a power-on self-test (POST) of the system. However, Fig. 3 of Huang teaches a method for updating the KBC during the power-on period. It has a method of checking to see if the KBC is updated (s304) and a method of updating the KBC when it is needed (s316). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the KBC process of the admitted prior art to include the KCB updating process as taught by Huang so as to provide KCB updating in the BIOS in order to eliminate one system rebooting operations and to provide a more convenient method to cut down the time for re-writing the flash memory ([0010] of Huang).

As to claim 2, Fig. 1 of the admitted prior art shows the building of a BIOS (102), BIOS data and flash utility (106), KBC data and flash utility (106), and Huang teaches combining the KBC into the BIOS [0021].

As to claim 3, Fig. 1 of the admitted prior art shows flashing a BIOS ROM in the system by using the BIOS flash utility (114).

As to claim 4, Fig. 3 of Huang shows the checking of the KBC update (s304) and the updating of the KBC if needed (s318).

As to claim 5, Huang suggests a method of writing the updates to a memory location and then moving that data in order to update the KBC (paragraph 5, lines 7-13 of Huang). Therefore, in view of Huang's suggestion, it would be obvious to modify the system of admitted prior art, as modified by Huang, to have the process to shadow the KBC data into a memory address and flashing the memory address into the system during the updating processing.

Response to Arguments

4. Applicant's arguments filed 9/25/06 have been fully considered but they are not persuasive.

Applicant's argument regarding "Huang discusses nothing about "updating the KBC data" that is required by claim 1", is not persuasive. Huang teaches "the keyboard controller 202 can write the data obtained from the computer 216 into the ROM 208. Similarly, firmware for the keyboard controller can also be written into the BIOS 210 belonged to the keyboard controller 202. Upon such an arrangement, the system's BIOS or **the firmware of the keyboard controller can be updated**" (lines 23-28 in [0021]), and "the system's BIOS or **the**

firmware of the keyboard controller can be updated” (lines 45-47 in [0021]), the firmware of the keyboard controller in Huang is the claimed keyboard controller data. Therefore, Huang teaches updating the KBC data as required by claim 1.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, section [0010] of Huang teaches updating the keyboard controller to provide a more convenient method to cut down the time for re-writing the flash memory.

Applicant remarks regarding claim 2 on pages 4-5 are not persuasive. Huang teaches “the keyboard controller 202 can write the data obtained from the computer 216 into the ROM 208. Similarly, **firmware for the keyboard controller can also be written into the BIOS 210 belonged to the keyboard controller 202**. Upon such an arrangement, the system’s BIOS or the firmware of the keyboard controller can be updated” (lines 23-28 in [0021]), which reads on combining the KBC into the BIOS as claimed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

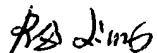
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

10/25/06